

REMARKS

The Office Action first indicates that Figures 3 and 4 as disclosed in the specification were missing from the file. Accordingly, Applicant submits replacement Figures 3-4 with this response as required by the Examiner. No new matter has been added.

Turning now to the claims, claims 9-18 are currently pending. The Office Action indicated that claims 9, 11, 14-15, and 17-18 are objected to because they contain various typographical errors. In response, Applicant has amended these claims, without adding new matter, to correct those minor typographical errors noted in the Office Action.

The Office Action next indicates that claims 9, 13, and 18 stand rejected under §112 ¶2 for allegedly being indefinite. In response, Applicant has amended claims 9 and 18 to correct the noted antecedent basis issue. Applicant has also amended claim 13 to delete the language the Office Action alleges is indefinite. No new matter has been added.

The Office Action also indicates that claims 9-18 stand rejected under §103(a) as being obvious over Shaffer (U.S. Pat. No. 6,236,642). In response, Applicant has amended the independent claims 9 and 18, without adding new matter, to better clarify the claimed invention over Shaffer.

Particularly, the allocation of network resources, or "circuit routing," is based on an optimization criteria selected on the basis of a variety of different parameters. However, after being allocated, these "once-optimal" resources tend to be used in an inefficient manner due to changes throughout the network thereby making them less optimal. For example, an operator may add new network resources (e.g., nodes and fibers) to improve existing resources, or temporarily remove some resources from availability for maintenance reasons. These actions could negatively affect the ability to reconfigure a network optimally. Spec., p. 1, ln. 13 – p. 2, ln. 9.

The claimed invention addresses such problems, and claims 9 and 18 have both been amended to make this aspect clear. As amended, claim 9 is directed to a method for “reconfiguring a telecommunications transport network after addition or removal of a network resource,” and requires performing the steps recited in claim 9 to accomplish the claimed reconfiguration.

The cited reference, Shaffer, discloses routing a single call to optimize bandwidth. However, Shaffer does not teach or suggest a method of reconfiguring a network when resources are added or removed. Shaffer never mentions that call routing optimization for the single call is performed responsive to the addition or removal of network resources (e.g., nodes and/or fibers), let alone reconfiguring the network responsive to the addition or removal of network resources. In fact, Shaffer does not appear to mention the addition or removal of network resources. Rather, the entirety of Shaffer is concerned with the optimization for a single call. Therefore, since Shaffer has nothing to do with the reconfiguration of the network, and does not mention the addition or removal of network resources as an impetus to reconfigure a network, Shaffer cannot teach or suggest the elements of claim 9, which recites how to reconfigure the network after the addition or removal of network resources. Therefore, claim 9 and its dependent claims are non-obvious over Shaffer.

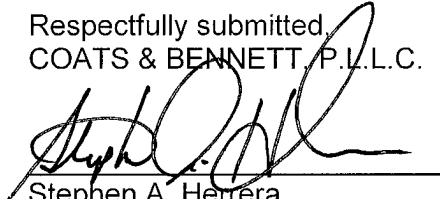
Claim 18, which is directed to a telecommunication transport network, is the apparatus claim corresponding to claim 9 and has been amended to contain language that is similar to that of amended claim 9. Claim 18 has also been amended, without adding new matter, to recite, “a network simulator operative to reconfigure the telecommunications transport network after addition or removal of a network resource by identifying a series of single circuit movements to re-route the network.” For reasons similar to those stated above, Shaffer does not teach or suggest claim 18.

Finally, the Office Action acknowledges that Shaffer does not explicitly teach or suggest all limitations of claims 9-18. However, in providing the reasons for the rejections of claims 9-18, the Office makes several conclusory statements alleging that various aspects of the claims are well-known. The Office then alleges that since these aspects are well-known, it would be obvious to modify Shaffer to perform such functions. Applicant respectfully disagrees.

The Office is required to provide proof of obviousness. Mere conclusory statements that one skilled in the art would modify a given reference simply because something may be well-known is not sufficient with which to reject a claim. See *M.P.E.P.* §2144.03A, ¶2. Applicant respectfully requests that the Office provide proof of the allegations, or withdraw the rejections.

In light of the foregoing amendments and remarks, Applicant requests that the Examiner withdraw all rejections and objections, and issue a Notice of Allowance for all pending claims.

Respectfully submitted,
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